

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

SEAN PARNELL, GOVERNOR

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FISH HABITAT PERMIT FH-11-IV-0008-GP

ISSUED: January 1, 2011
EXPIRES: December 31, 2011

General Public:

Re: Vehicle Movement on Frozen Water Surfaces within the Matanuska-Susitna Borough

Pursuant to AS 16.05.871(b), the Department of Fish and Game, Division of Habitat has determined that both the public interest and the proper protection of fish and game would be served through the issuance of a general permit (GP) authorizing the use of motorized vehicles on frozen waters bodies within the Matanuska-Susitna Borough.

Categories of motorized vehicles covered by the GP include any wheeled, tracked, or other ground affect motorized vehicle that is less than 12,000 pounds gross vehicle weight (GVW). This GP does not authorize cross-country movement of equipment on state lands or other activities not allowed under 11 AAC 96.020 (Generally Allowed Uses on State Lands).

Various water bodies within the Matanuska Susitna Borough are specified important for spawning, rearing and/or migration of anadromous fish pursuant to AS 16.05.871(a). These water bodies also support a variety of resident fish species.

This activity has been found consistent with the Alaska Coastal Management Program. Pursuant to AS 16.05.871(d), access to, crossings of, and/or egress from any frozen specified anadromous fish bearing water body within the Matanuska-Susitna Borough is authorized provided such activities are conducted in strict accordance with the following stipulations:

- 1) The ice cover shall be of sufficient thickness to support the weight-bearing load of the authorized vehicles(s).
- 2) There shall be no vehicles or equipment operated in the open (un-frozen) waters of any specified water body, under this authorization.
- 3) The use of snow or ice bridges, access ramps, or cribbing to cross any specified water body is prohibited unless approved, in writing, by the Department of Fish and Game, Division of Habitat.
- 4) Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
- 5) The bed or banks of any specified water body shall not be altered or disturbed in any way to facilitate access to, use of, or egress from their frozen surfaces.
- 6) No fuel shall be stored, nor vehicles fueled or serviced while located on the frozen surface or below the ordinary high water line (vegetation line) of any specified water body.

You are responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that deviates from this approval, the responsible party shall notify the Division of Habitat and obtain written approval in the form of an individual permit before beginning the activity. Any action taken which increases the scope of the approved activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an

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individual permit is the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved activity is being considered.

For the purpose of inspecting or monitoring compliance with any condition of this permit, you shall give an authorized representative of the State free and unobstructed access, at safe and reasonable times, to the permit site. You shall furnish whatever assistance and information as the authorized representative reasonably requires for monitoring and inspection purposes.

This letter constitutes a permit issued under the authority of AS 16.05.871. Please be advised that this authorization applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This approval does not relieve you of the responsibility for securing other State, Federal, or local permits. You are required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The Division of Habitat reserves the right to require mitigation measures to correct disruptions to fish and game created by the project that were a direct result of the failure to comply with this permit or any applicable law.

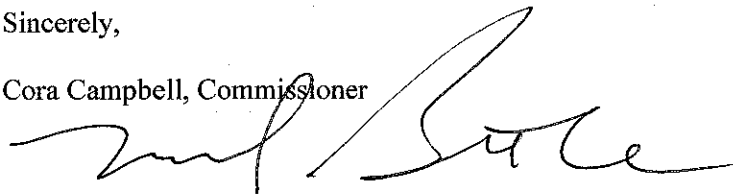
You shall indemnify, save harmless, and defend the Division of Habitat, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the Division of Habitat's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Any questions or concerns about this permit may be directed to Habitat Biologist Maria Shepherd at (907) 861-3204 or emailed to maria.shepherd@alaska.gov.

Sincerely,

Cora Campbell, Commissioner



By: Michael L. Bethe, Habitat Biologist
Division of Habitat
907-861-3202

-mfs

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